

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AUDREY LYNN HUBLER	:	CIVIL ACTION
	:	
v.	:	
	:	
WIDENER UNIVERSITY	:	NO. 05-01785-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 20, 2006

Plaintiff sued Widener University, asserting that she was sexually harassed and "stalked" by a fellow student, and that the University did not take appropriate measures to remedy the situation. After a six-day jury trial, the jury rendered a verdict in favor of the defendant, on March 6, 2006. Defendant has now filed a motion for an award of attorneys' fees, invoking 42 U.S.C. § 1988 and Fed. R. Civ. P. 54. The application will be denied.

A prevailing defendant in a civil rights case can be awarded counsel fees only if plaintiff's claims were so lacking in merit as to be considered frivolous, or made in bad faith. The trial evidence made clear that plaintiff brought this lawsuit in good faith, and was not without justification in doing so. At the very least, the verdict could have gone either way.

An Order follows.

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ORDER

_____AND NOW, this 20th day of March 2006, upon
consideration of defendant's motion for an award of counsel fees,
IT IS ORDERED:

That the motion is DENIED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.